

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GROUP-A AUTOSPORTS, INC.,

Plaintiff,

v.

THEOJARY SAUCEDA,

Defendant.

Civil Case No. 14-12204-JCB

**REPORT AND RECOMMENDATION OF DISMISSAL WITHOUT PREJUDICE FOR
FAILURE TO COMPLY WITH FED. R. CIV. P. 4(m) AND L.R. 4.1(b)¹**

November 17, 2014

Boal, M.J.

The complaint in this case was filed on May 19, 2014. Dkt. No. 1. On October 7, 2014, the Court issued an order directing the plaintiff to file proof of service or a statement of good cause why service had not been made by October 21, 2014 or this Court would recommend that a District Judge dismiss the action without prejudice. Dkt. No. 4. As of this date, the plaintiff has not complied with the Court's October 7, 2014 order.

Accordingly, the Court recommends that this action be dismissed without prejudice for failure to serve the complaint within 120 days after the complaint was filed in violation of Rule 4(m) of the Federal Rules of Civil Procedure and Local Rule 4.1(b).

REVIEW BY DISTRICT JUDGE

The parties are hereby advised that under the provisions of Rule 72(b) of the Federal Rules of Civil Procedure, any party who objects to these proposed findings and

¹ This case was assigned to the undersigned for all purposes. However, the parties have not consented to the jurisdiction of a United States Magistrate Judge for all purposes. Accordingly, the Clerk is directed to reassign this case to a District Judge.

recommendations must file specific written objections thereto with the Clerk of this Court within fourteen days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the proposed findings, recommendations, or report to which objection is made, and the basis for such objections. See Fed. R. Civ. P. 72. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b) will preclude further appellate review of the District Court's order based on this Report and Recommendation. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, Ltd., 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir.1993).

/s/ Jennifer C. Boal
JENNIFER C. BOAL
United States Magistrate Judge